

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

07	UNITED STATES OF AMERICA,)	CASE NO. MJ23-198
)	(M.D. Louisiana 3:16CR00122-1,
08	Plaintiff,)	#:14CR00041—1 -SDD-EDW)
)	
09	v.)	
)	ORDER FOR TRANSFER AND
10)	DETENTION
	BRYANT EMERSON FREEMAN,)	
11)	
)	
12	Defendant.)	

14 Defendant is charged with a violation of the conditions of his supervised release.

15 The case is pending in the U.S. District Court for the Middle District of Louisiana, in

16 Baton Rouge. He was arrested in this district on that court's warrant, and has appeared

17 several times in this court on Rule 5 proceedings.

18 There are significant issues as to defendant's competence. This is based in part

19 upon defendant's incoherent behavior before this court. In addition, while the court has

20 successively appointed two different counsel for defendant, he has not cooperated with

21 either, and has discharged both.

22 The case has been pending in this district for over two months, with essentially

01 no progress toward a transfer to the court in Louisiana, or any other resolution. This
02 court therefore determined to hear, as best it could, the issues under defined by Rule 5,
03 and leave the other issues to the court in Louisiana.

04 At a hearing on this date, the United States presented a proffer sufficient to
05 establish that the defendant before the court is the same person as is charged as Bryant
06 Emerson Freeman in the Middle District of Louisiana. Therefore defendant should be
07 transferred to that district for further proceedings.

08 The information presented by that court, and by the U.S. Probation Office in this
09 district, overwhelmingly established that defendant should be transferred in the custody
10 of the U.S. Marshal, rather than being released on bond to make his own way.

11 Upon his appearance in Louisiana, that court if it sees fit will be able to address
12 the issue of defendant's competence.

13 Defendant repeatedly stated in court that he did not know who he was, and had
14 not been provided any documentation of the pending charges. The United States
15 Attorney, the Probation Office stated no objection to defendant receiving copies of the
16 documents which had been provided to the court. This court so ordered.

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19 ORDER OF TRANSFER

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21 It is hereby ORDERED, that the further proceedings in this case shall be conducted in
22 the U.S. District Court for the Middle District of Louisiana. The Clerk of this court shall

01 forthwith transmit to the Clerk in said district the records of proceedings conducted in this
02 district. The U.S. Marshal is directed to transport defendant as promptly as possible to that
03 district.

04 DETENTION HEARING

05 The court conducted a detention hearing, pursuant to 18 U.S.C. § 3142(f), on July 10, 2023.
06 Based upon the factual findings and statement of reasons for detention hereafter set forth, the
07 court finds that defendant has not met his burden of showing, by clear and convincing
08 evidence, that no condition or combination of conditions which defendant can meet will
09 reasonably assure defendant's appearances as required in this case.

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11 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- 12 (1) When a defendant is arrested on charges that he has violated the conditions of his
13 supervised release, "... the burden of establishing by clear and convincing
14 evidence that the person will not flee or pose a danger to any other person or the
15 community rests with the person." Federal Rules of Criminal Procedure, Rule
16 32.1(a)(6). Defendant has not met this heavy burden that he would make his
17 further court appearances as required, if he were released on conditions.
- 18 (2) The U.S. Probation Officer has specifically alleged in the petition that defendant has
19 failed to contact the USPO as directed.
- 20 (3) Defendant has a history of failures to comply with conditions of supervised release.
- 21 (4) There is also a pending warrant for defendant from the District of Oregon.

01 It is therefore ORDERED:

02 1. Defendant shall be detained pending trial and committed to the custody of the
03 Attorney General for confinement in a correction facility separate, to the extent practicable,
04 from persons awaiting or serving sentences or being held in custody pending appeal;

05 2. Defendant shall be afforded reasonable opportunity for private consultation
06 with counsel;

07 3. On order of the United States or on request of an attorney for the Government, the
08 person in charge of the corrections facility in which defendant is confined shall deliver the
09 defendant to a United States Marshal for the purpose of an appearance in connection with a
10 court proceeding;

11 4. The Clerk shall direct copies of this Order to counsel for the United States, to the
12 United States Marshal, to the U.S. Marshal for delivery to the defendant, and to the United
13 States Pretrial Services Officer.

14 DATED this 10th day of July, 2023.

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16 John L. Weinberg
17 United States Magistrate Judge
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